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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

BAHTA, KIDEST

ART UNIT PAPER NUMBER

2125

DATE MAILED: 03/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/736,162	Applicant(s) SACKS ET AL.	
	Examiner Kidest Bahta	Art Unit 2125	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All. b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/1/2004</u> . | 6) <input type="checkbox"/> Other: ____. |

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: in Fig. 3, reference number 26, which shows in page 6, lines 8, "instructions (26)". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

In addition to Replacement Sheets containing the corrected drawing figure(s), applicant is required to submit a marked-up copy of each Replacement Sheet including annotations indicating the changes made to the previous version. The marked-up copy must be clearly labeled as "Annotated Sheets" and must be presented in the amendment or remarks section that explains the change(s) to the drawings. See 37 CFR 1.121(d)(1). Failure to timely submit the proposed drawing and marked-up copy will result in the abandonment of the application.

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limitation

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"instructions" in claim 1, lines 14, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3 and 5-9 rejected under 35 U.S.C. 103(a) as being unpatentable over the Applicant's Specification (page 5, [00035]-[00036]) in view of Francis (US 6,600,418).

Regarding claim 1, Applicant's Specification discloses the mobile computer with the same features of the claim 1 has been available from Symbol Technologies, Inc. (see Page 6; using a mobile computer having a bar code reader, a display, an audio output device, an audio input device, a tactile input device, text-to-speech software, a voice recognition software, loader applications software, a printer and radio frequency identification (RFID) reader wherein the mobile computer is adapted for communication between an loader server system and a user and the loader server system is adapted for communication between the mobile computer and at least one external computer system).

However, The Applicant's specification doesn't specifically discloses the mobile computer been used for the purpose of object tracking and managing the transport vehicle.

Francis discloses that that display the summary of the objects to be loaded using via the text-to-speech software to audio output device (column 8, i.e., displaying on display 170 the instructions from the remote computer, display 170 includes a speaker or beeper and the input device 180 include tactile device (touch-screen) and audio (voice recognition device)); RFID tag for the object 130 or bar code scanner 220; RFID tag for a transport vehicle 150. The operator receives the conformation of loading, the

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correct object has load and arrived at the correct loading dock or any instructions in different ways see column 3, lines 14-25, column 8, lines 29-65 reading from display 170 or an audio form . Finally, the object is product and piece of equipment pallet is a product and the machine part, which is piece of equipment.

It would have been obvious to a person of ordinary skill in the art at the time of invention was made to modify the teachings of Applicant" specification mobile computer with Francis in order to facilitates easy and essentially instant identification and confirmation of load and location. Any operator error with respect to the identity, location and movement of the load is immediately identified and corrective action may be immediately taken. The chances for errors associated with visual inspection are thus greatly reduced.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Specification (page 5, [00035]-[00036]) in view of Francis (US 6,600,418) as applied to claim 1 above, and further in view of Manegold et al. (US 6,671,646).

Regarding claim 4, Applicant's Specification and Francis discloses the limitation of claim 1 as stated above in Par. 4 but fails to disclose the answering to a series of safety questions or checks the vehicle safeness. However Manegold discloses such limitations in Fig. 7; column 4, lines 21-45 and column 6, lines 25-60.

It would have been obvious to a person of ordinary skill in the art at the time of invention was made to modify the teachings of Applicant" specification mobile computer with Francis and Manegold in order to avoid accidents caused by defective equipment.

Double Patenting

6. Claims 1-9 are rejected under the judicially created doctrine of double patenting over the following U.S. Patents and applications

US Applications 10/736,107; 10/736,369; 10/736,427, 10/737,952

Since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent. A quick review of the listed documents has shown possible obviousness double patenting issues, however, a complete analysis has not been performed due to the number of applications and under burden to the examiner to perform these comparisons. The applications have a common assignee, at least one common inventor and common subject matter. The explanation as to how the provide either terminal disclaimers for the listed documents or provide an explanation as to how the present invention claims specifically read over the claims and coverage of the listed document. (See CFR 1-78 (b)).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed Kidest Bahta whose telephone number is 571-272-3737. The examiner can normally be reached on Monday - Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on 571-272-3749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kidest Bahta



Primary Examiner

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